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1 Gregory C. Nuti (CSBN 151754)
 2 gnuti@schnader.com
 3 Kevin W. Coleman (CSBN 168538)
 4 kcoleman@schnader.com
 5 Natalie Bush-Lents (CSBN 253124)
 6 nbush-lents@schnader.com
 SCHNADER HARRISON SEGAL & LEWIS LLP
 One Montgomery Street, Suite 2200
 San Francisco, California 94104-5501
 Telephone: 415-364-6700
 Facsimile: 415-364-6785

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8 Attorneys for Bradley D. Sharp,
 Chapter 11 Trustee

10 **UNITED STATES BANKRUPTCY COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 In re:

14 SK FOODS, L.P., a California limited
 partnership, et al.

15 Debtor.

Case No. 09-29162-D-11

Chapter 11

DC No. SH-120

16

17 **ORDER PURSUANT TO FEDERAL**
RULE OF BANKRUPTCY PROCEDURE
2004 AUTHORIZING EXAMINATION
OF GARY PERRY AND PRODUCTION
OF DOCUMENTS, AND GRANTING
RELATED RELIEF

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19 Date: August 24, 2011
 Time: 10:00 a.m.
 Place: Courtroom 34
 501 I Street, 6th Floor
 Sacramento, CA 95814
 Judge: Hon. Robert S. Bardwil

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 September 02, 2011
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 EASTERN DISTRICT OF CALIFORNIA
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ORDER PURSUANT TO FRBP 2004 AUTHORIZING EXAMINATION OF GARY PERRY AND
 PRODUCTION OF DOCUMENTS AND GRANTING RELATED RELIEF

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1 At the date, time, and place set forth above, the Court considered the Application
2 Pursuant to Federal Rule of Bankruptcy Procedure 2004 Authorizing Examination of Gary
3 Perry and Production of Documents and Granting Related Relief (the “Application”) [Doc. No.
4 3128], filed on July 20, 2011 by Bradley D. Sharp (the “Trustee”), the duly appointed and
5 acting chapter 11 trustee for SK Foods, L.P., a California limited partnership (“SK Foods”),
6 and RHM Industrial/Specialty Foods, Inc., a California corporation, d/b/a Colusa County
7 Canning Co. (“RHM” and collectively with SK Foods, the “Debtors”), the memorandum of
8 points and authorities therein, the declarations, responses, and all supporting and supplemental
9 papers filed in support and in opposition thereof. Appearances were made orally on the record.

10 The Court has duly considered the Application, the memorandum of points and
11 authorities therein, the declarations, supplemental papers, and responses filed in support
12 thereof; and the arguments and statements made on the record at the hearing. Based upon the
13 foregoing:

14 **IT IS HEREBY ORDERED THAT:**

15 1. Except as provided in paragraph 2 below, Gary Perry (“Perry”) must produce to
16 the trustee the documents described in Exhibit A to the Trustee’s Application by no later than
17 close of business on September 1, 2011;

18 2. Mr. Perry must deliver to the Trustee a privilege log, itemizing with
19 particularity the documents sought by the Trustee that Mr. Perry contends are covered by the
20 attorney-client privilege or by a right of privacy, by no later than close of business on
21 September 1, 2011;

22 3. Any motion to compel or motion for protective order must be filed and served
23 by email by no later than September 6, 2011;

24 4. Any oppositions to the motion to compel or motion for protective order must be
25 filed and served by email by no later than September 7 2011;

26 5. Any hearing, if necessary, on the motion to compel or motion for protective
27 order will be set for September 8, 2011 at 1:00 p.m.;

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1 6. Mr. Perry shall appear for an examination under oath at the offices of Downey
2 Brand LLP in Sacramento, California on September 9, 2011 at 10:00 a.m.

3 7. Any of the foregoing dates may be modified by stipulation of the parties, except
4 that any continuance of the hearing on the motion to compel or motion for protective order will
5 be set subject to the Court's availability;

6 8. The Rule 2004 examination of Mr. Perry may be taken concurrently with the
7 deposition of Mr. Perry pursuant to this Courts' June 28, 2011, for the purpose of investigating
8 allegations of non-compliance with the Preliminary Injunction filed March 20, 2011 (as
9 amended), arising out of the purported payment to Mr. Perry made by SSC Farming, LLC on
10 or about February 1, 2011, totaling approximately \$510,408.41 (the "February 1 Payment");
11 except that, as requested by Mr. Perry, the questioning in the Rule 2004 examination is to be
12 segregated from the questioning in the deposition;

13 9. Questions and document requests relevant to the Trustee's investigation of
14 potential claims against Mr. Perry are not objectionable on the ground that they seek attorney-
15 client communications when Mr. Perry was acting as counsel for the Debtor and another
16 individual or entity as joint clients of Mr. Perry; however, Mr. Perry may raise on a question-
17 by-question basis objections based on the ground that he was not acting as counsel for the
18 Debtor and another as joint clients;

19 10. Questions (a), (b), (c), (d), (e), (h), and (i) listed in paragraph 12 of the Trustee's
20 Application, and referenced as follows, are not objectionable solely on the ground that they
21 seek attorney-client communications:

22 (a) Whether Perry has a current or former attorney-client relationship with
23 any individual or entity that has been named as a defendant in any adversary proceeding brought
24 in the above-captioned bankruptcy case or that has made a claim in the above-captioned
25 bankruptcy case (the "Client");

26 (b) When any attorney-client relationship between Perry and the Client
27 commenced, if any such relationship terminated, and if so, when;

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3 (d) The amounts that Perry billed to the Client and the dates on which such
4 bills were sent;

5 (e) The amounts and dates on which Perry received payment from or on
6 behalf of the Client;

13 11. Question (f) listed in paragraph 12 of the Trustee's application, namely, the
14 sources from which Mr. Perry received payments, is not objectionable solely on the ground that
15 it seeks attorney-client communications, unless the Court orders otherwise in addressing an
16 objection to a particular question.

18 | Dated: September 02, 2011

Robert S. Bardwil
Robert S. Bardwil, Judge
United States Bankruptcy Court
Honorable Robert S. Bardwil
United States Bankruptcy Judge